

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

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THE CITY OF HUNTINGTON,

Plaintiff,

vs.

CIVIL ACTION

NO. 3:17-01362

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,
Defendants.

CABELL COUNTY COMMISSION,
Plaintiff,

vs.

CIVIL ACTION

NO. 3:17-01665

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,
Defendants.

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Videotaped and Zoom videoconference
deposition of CRAIG MCCANN, PH.D. taken by the
Defendants under the Federal Rules of Civil
Procedure in the above-entitled action, pursuant to
notice, before Jennifer Vail-Kirkbride, a Registered
Merit Reporter, on the 1st day of September, 2020.

1 Q. Talking about some of the code, the word
2 "code" was used repeatedly by Mr. Eppich. Do you
3 have an understanding what Mr. Eppich was referring
4 to when he used the word "code," "code computer"?

5 A. Yes, I think I do.

6 Q. And has your office at every step of the
7 way through this litigation produced the code or
8 computer code to the -- to the other side, to the
9 defendants?

10 A. Yes.

11 Q. So the defendants have had in some cases
12 the computer code you, your office, created to
13 analyze and organize the data for as much as almost
14 two years; correct?

15 A. Correct.

16 Q. So would you explain what your
17 understanding of the code is, just in kind of
18 layman's terms.

19 MR. EPPICH: Objection. Form.

20 A. Sure. There is two broad categories of
21 code, roughly corresponding to the two big
22 categories of opinions in my report. The first set
23 of opinions in code deals with how the ARCOS data
24 is, uhm, is processed and prepared. And the second

1 taken our code, which involved thousands of hours of
2 development, and, perhaps, spending tens of hours
3 slightly modifying it. I don't see any independent
4 code produced by defendants in realtime in
5 monitoring their orders or by their experts in this
6 litigation, ex post justifying the orders that they
7 shipped.

8 Q. Let's go back to the beginning. I want to
9 ask you some foundational questions. And let's
10 start with Automation of Reports and Consolidated
11 Order System, ARCOS. Tell us how your office
12 secured the ARCOS data.

13 A. Well, it was delivered to us on hard drives
14 or thumb drives and stored on a local server here in
15 my office.

16 Q. I don't want you to go through each of the
17 34 fields, but explain to us generally what types of
18 fields were contained or the data contained in ARCOS
19 as you received it on the hard drives?

20 A. There was really three categories of
21 fields, a category that identifies the shipper or
22 seller. You think of that as the manufacturer and
23 shipments to the distributors or the distributors in
24 shipments to pharmacies.

1 received the ARCOS on the -- on the hard
2 drives. Walk the Court through the processing piece
3 of it. What did you do with the data once you
4 received it on the hard drives?

5 A. Well, the data is a -- as we receive it, is
6 what you might think of as a text file. It's just a
7 string of -- sort of a continuous string, of
8 billions of characters long, but when you read it
9 into software, you can separate these billions of
10 characters into 500 million lines of data. And
11 these lines of data include the 34 fields that we
12 were just discussing.

13 These fields vary in length from a few
14 characters to, perhaps, 15 or 20 characters. So you
15 take this billions of characters of text and break
16 it down into the 500 million lines of data on the 34
17 fields.

18 As I explain in the expert report,
19 these lines of data include some -- some errors that
20 we clean up, that we fix, some duplicates, some
21 other reasons, some errors.

22 Q. Sure.

23 A. And then with that -- that processed data,
24 we -- we are then ready to produce summaries of the